



COUNCIL MEETING MINUTES

Approved as amended on 11/15/04

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September 20-21, 2004
Hilton Hotel

MEMBERS PRESENT

Peter Mendoza
Sascha Bittner
Dr. Dan Boomer
Cindy Simon
Dr. Olivia Raynor
Stacy McQueen
Laura Ramos
Lynda Terry
Catherine Ellis
Bill Moore
Yvonne Kluttz
Brad Putz
Ted Martens
Sunny Maden
Mark Switzer
Ken Buono
Sylvia Barron
Joe Goeden
Doug Haney
Dr. Robert Jacobs
Julie Wilsted
Raymond Rodriguez
Lupe Perez

STAFF PRESENT

Judy McDonald
Alan Kerzin
Janet Eaton
Gwen Ahulau
Deanna Dupont
Charlene Sanders
Paul Eisenberg
Ed Willis
Robert Sifuentes

GUESTS

Wayne Cook
Tony Anderson
Margaret Shefland
Peter Ladue
Patty Simpkins
Shawn Casey O'Brien
Richard Devylder
Brenda Premo
Marty Omoto
Lisa Haney
Juan Corril
Sascha's Bittner Attendant

MEMBERS ABSENT

Jeff Clevenger
Rich Bayquen
Eileen Cubanski

1:30 P.M.

1. ROLL-CALL

Roll Call was taken.

2. ESTABLISHMENT OF QUORUM

A quorum was present.

3. OPENING REMARKS

Council Chair, Peter Mendoza, welcomed everyone and introductions were given.

4. CALL TO ORDER, Election of Chairperson Pro-Tem (if necessary)

The meeting was called to order at 1:50 p.m.

5. MONDAY PUBLIC COMMENTS/PRESENTATION/DISCUSSION

A. Public Comments:

Marty Omoto presented comments to the Council regarding efforts to bring all advocates together to continue protecting the rights of individuals with developmental disabilities. He thanked the Sacramento Association for the Retarded and their director, Peter Ladue, for the support they provided to his outreach and advocacy efforts. Mr. Omoto urged everyone to join together in a partnership to continue advocating for rights during the next session of the Legislature.

B. Presentations:

1. **Ms. Lisa Haney** from Children's Hospital San Diego presented information on the Council's Cycle 26, grant – "Healthy Smiles for Children with Disabilities."
2. **Mr. Shawn Casey O'Brien** presented information he developed to assist individuals with disabilities to exercise their rights to vote. Ms. Deanna Dupont also presented information on Voter Education and self-advocacy in Area Board 4 Catchment.
3. **Council Member Olivia Raynor** and **Arts Council Staff Wayne Cook** presented a PowerPoint Presentation on the results of the Council's 2004 Poster Art Contest, "Yes, I Can!". Dr. Raynor introduced Mr. Juan Carrillo Interim Director of the Arts Council. He thanked the Council for partnering with the Arts Council to celebrate the talents of artists with disabilities. Chair P. Mendoza thanked Dr. Raynor, Mr. Cook and Council Member Cindy Simon, who represented the Council at the adjudication of the submitted artwork.
4. **Mr. Tony Anderson** and the Arc of California Members presented new information on Fetal Alcohol Spectrum and related Neurobehavioral Disorders.

6. ACTION/DISCUSSION/INFORMATION ITEMS:

A. California Performance (CPR) Review Report:

Chair P. Mendoza reported on his testimony before the CPR Council, in August, which included five recommendations consistent with prior Council action. Chair P. Mendoza reported that he had also asked the Area Board Offices of the Council to submit to the Council their comments on the CPR Report. The Council discussed how best to respond to a request from California Health and Human Services Secretary, Kim Belshé, that the Council offer recommendations to her on the CPR Report. Chair P. Mendoza also introduced Ms. Brenda Premo, who was assisting the California Health and Human Services Agency (CHHSA) with possible revisions to the CPR recommendations in the area of long-term care. Ms. Premo spoke about the next steps regarding the CPR Report's recommendations, answered questions, and distributed a "White Paper" from the CHHSA Long-Term Care Workgroup.

IT WAS MOVED AND SECONDED (D. HANEY/S. MADEN) AND CARRIED TO APPROVE THE CPR RECOMMENDATIONS AS PRESENTED IN CHAIR P. MENDOZA'S TESTIMONY TO THE CPR COMMISSION, AS FOLLOWS:

- 1. CREATE SIMPLIFIED USER-FRIENDLY DELIVERY OF SERVICES AND SUPPORTS THAT ARE SEAMLESS FOR THE RECIPIENTS WHILE THE STATE UTILIZES A COMBINATION OF DIFFERENT FUNDING SOURCES;**
- 2. REMOVE REQUIRED MULTIPLE ASSESSMENTS AND/OR EVALUATIONS FOR INDIVIDUALS WITH CLEARLY ESTABLISHED DISABILITIES THAT ARE EXPECTED TO CONTINUE FOR THE LIFE OF THE INDIVIDUAL;**
- 3. PROMOTE PILOT PROJECTS AND PROVEN MODELS, SUCH AS SELF-DETERMINATION, WHICH ASSISTS INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES TO MOVE TO AND/OR REMAIN SUCCESSFULLY IN THE MOST INCLUSIVE COMMUNITY SETTINGS;**
- 4. ESTABLISH AN "OMBUDSMAN-LIKE" ENTITY INSIDE STATE GOVERNMENT RESPONSIBLE FOR ASSISTING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES WHO EXPERIENCE DIFFICULTIES, WHILE ALSO GATHERING DATA AND REPORTING "GLITCHES" SO NECESSARY CORRECTIONS CAN BE PROMPTLY ACHIEVED; AND**
- 5. MAINTAIN THE COUNCIL OUTSIDE OF ANY STATE AGENCY, AS REQUIRED UNDER FEDERAL LAW. AND THE COUNCIL WILL ALSO INCLUDE IN THE LETTER TO SECRETARY K. BELSHÉ THE CPR COMMENTS THE COUNCIL RECEIVED FROM COUNCIL AREA BOARD OFFICES 2 AND 10.**

Members K. Buono, B. Moore and L. Terry abstained.

B. Proclamations and Resolutions: (Standing Item)

The Council approved the Proclamations for the following:

- a.) Julie Wilsted – Senior Council Member

IT WAS MOVED AND SECONDED (S. BITTNER/S. MADEN) AND CARRIED TO APPROVE THE PROCLAMATION AS PRESENTED.

b.) Mark Switzer – Senior Council Member

IT WAS MOVED AND SECONDED (S. BITTNER/B. PUTZ) AND CARRIED TO APPROVE THE PROCLAMATION AS PRESENTED.

**TUESDAY, SEPTEMBER 21ST, 2004
9:30 A.M. - Council Meeting Reconvened**

7. TUESDAY PUBLIC COMMENTS, PRESENTATIONS, ACTIONS, DISCUSSION ITEMS (CONTINUED):

C. Public Comments:

Margaret Shefland, Ph.D. has polio and has seen a lot of things happened for the good and she knows that ADA was going to be a very important law to pass from her experience. She also knew that when she went through a metal detector and they asked her to take off her brace and had her crawl through, she knew that her work would never be done. They don't do that anymore, they just make her sit down and take off her shoes and brace. She commented on how much she appreciates the work the Council does, and knows we are always on duty. People call the Council all the time and we have other responsibilities in life too, like the pursuit of happiness. She stated that her comments were, primarily, to tell the Council how much she appreciates us for all that we do and how much the people that can't speak appreciate the work that we do.

D. CHAIR'S REPORT

Chair, Peter Mendoza stated that he had a very busy few months. He had been requested, by the Administration, to give some preliminary testimony regarding the California Performance Review (CPR) Report's Health and Human Services recommendations. He testified as a member of the Health & Human Services Advocates panel at the hearing in San Diego. The hearing was very interesting and his testimony, which was e-mailed to the Council, was very well received.

He also was asked by AAMR Region II to participate on a panel called the "State We Are In" and gave an update on the State and the budget and the service and support needs of people with developmental disabilities. He stated that it was a very well attended conference and the Council's comments were very well received. The overall discussion entailed different issues that affect people with developmental disabilities and their families. The panel included representatives from Department of Developmental Services, Department of Finance, the Association of Regional Center Agencies and the Council. The panel members gave their unique perspectives; the testimony was very informative.

The Executive Director of Area Board 4 Office, Carol Gonsalves, has taken a position with the school district and she will be working with Parents and families as an ombudsman to resolve problems. We wish her well in her new position. J. McDonald and I attended the Area Board 4 meeting and discussed the recruitment process for filling the vacant executive director's position. This will be a cooperative partnership between the Area Board 4 and the Council, with the Area Board 4 and the Council will each have an equal role in choosing the Executive Director for that very important position.

E. Executive Director's Report:

The report was distributed (attached).

F. Minutes of the July 19-20, 2004 Council Meeting:

IT WAS MOVED AND SECONDED (J. WILSTED/B. PUTZ) AND CARRIED TO APPROVE THE MINUTES AS AMENDED TO CORRECT TYPOGRAPHICAL ERRORS.

IT WAS MOVED AND SECONDED (L. PEREZ/O. RAYNOR) AND CARRIED TO ADD THE DRAFT EXECUTIVE COMMITTEE MINUTES TO THE COUNCIL PACKET.

G. Conflict of Interest Waiver Requests: (Standing Item)

None received.

H. Sponsorship Requests:

The Council considered a request from the Arc of Riverside for the Council to co-sponsor a National Fetal Alcohol Spectrum Disorders, that will be held in Riverside in late October 2004.

IT WAS MOVED AND SECONDED (T. MARTENS/C. ELLIS) AND CARRIED TO SEND A LETTER TO THE ARC OF RIVERSIDE STATING THAT THE REQUEST WAS INCOMPLETE AND REQUESTING ALL MISSING INFORMATION BE SENT TO THE COUNCIL PRIOR TO THE EXECUTIVE COMMITTEE'S OCTOBER MEETING. IF ALL REQUIRED INFORMATION IS RECEIVED BEFORE THE MEETING, THE COMMITTEE WILL CONSIDER THE REQUEST. IN ADDITION, THE COUNCIL WILL REVIEW THE SPONSORSHIP POLICY AND CONSIDER POSSIBLE REVISIONS AT THE NOVEMBER MEETING, INCLUDING DEVELOPING SEPARATING CRITERIA FOR INDIVIDUAL AND ORGANIZATIONAL SPONSORSHIPS.

Members P. Mendoza, S. Maden, O. Raynor and B. Putz, voted no.

Members C. Simon and M. Switzer were absent when vote was taken.

IT WAS MOVED AND SECONDED (K. BUONO/J. GOEDEN) AND CARRIED TO SEND A LETTER TO ANY SPONSORSHIP REQUEST THAT IS INCOMPLETE, REQUESTING ALL MISSING INFORMATION PRIOR TO ANY REQUEST BEING CONSIDERED BY EITHER THE EXECUTIVE COMMITTEE OR THE COUNCIL.

I. Requested from Fresno School District:

The Council considered a response to the Fresno School District's request for an interagency agreement.

IT WAS MOVED AND SECONDED (T. MARTENS/C. SIMON) AND CARRIED TO APPROVE SENDING A LETTER TO FRESNO SCHOOL DISTRICT INFORMING THEM THAT THEIR SUGGESTED INTERAGENCY AGREEMENT DOES NOT MEET SPONSORSHIP CRITERIA; AND THAT THE NEXT COMMUNITY PROGRAM DEVELOPMENT GRANT APPLICATION CYCLE IS ANTICIPATED TO BEGIN IN JANUARY 2005.

J. National Association of Councils on Development Disabilities (NACDD) Membership:

The Council considered continuing membership in NACDD for 2005. Members also discussed ways in which California could become a more active member in NACDD.

IT WAS MOVED AND SECONDED (T. MARTENS/R. RODRIGUEZ) AND CARRIED TO APPROVE PAYMENT OF DUES FOR THE COUNCIL'S 2005 MEMBERSHIP IN THE NATIONAL ASSOCIATION OF COUNCILS ON DEVELOPMENTAL DISABILITIES (NACDD).

K. Council's Policy on Joining Other Organizations:

The Council considered the proposed draft policy.

IT WAS MOVED AND SECONDED (T. MARTENS/C. ELLIS) AND CARRIED TO TABLE VOTING ON THE COUNCIL'S POLICY REGARDING JOINING OTHER ORGANIZATIONS, UNTIL THE COUNCIL COULD HAVE THE AUTHOR OF THE MERGER LEGISLATION (SB 1630-CHESBRO) OR HIS STAFF DISCUSS WITH THE COUNCIL THE INTENT OF THE LEGISLATION.

L. Report on Legislation and Regulations:

(P. Mendoza/R. Sifuentes)

The Council received a legislative report at the end of the 2002-04 legislative sessions. The Council also considered the emergency regulations regarding Parental Share of Cost.

IT WAS MOVED AND SECONDED (S. MADEN/D. HANEY) AND CARRIED TO SUPPORT AB 2100 AS ENROLLED; AND SEND A LETTER OF SUPPORT TO THE GOVERNOR.

Members L. Terry and B. Moore abstained and Member K. Buono was not present for the vote.

IT WAS MOVED AND SECONDED (C. ELLIS/D. HANEY) AND CARRIED TO MAINTAIN THE COUNCIL'S "OPPOSE" POSITION ON THE PARENTAL SHARE OF COST PROGRAM.

Members B. Moore, L. Terry and S. Maden abstained. Member K. Buono was not present for the vote.

M. Location for the 2004 Dr. Anderson Award Presentation:

The Council considered the venue for presenting the 2004 Dr. Anderson Award.

IT WAS MOVED AND SECONDED (S. MADEN/J. WILSTED) AND CARRIED TO APPROVE THE VENUE FOR THE 2004 DR. ANDERSON HEALTH CARE PROFESSIONAL AWARD PRESENTATION TO BE AT THE APRIL 1-3, 2005, ASSOCIATION OF ACADEMY OF PEDIATRICS' DISTRICT MEETING IN HUNTINGTON BEACH, CALIFORNIA.

N. Planning and Program Development (PPD) Committee Report:

The Council reviewed the PPD Committee's recommendations for State Plan objectives eligible for Cycle 28 grants and model replication pilot.

IT WAS MOVED AND SECONDED (S. MADEN/J. WILSTED) AND CARRIED TO TABLE UNTIL THE NOVEMBER COUNCIL MEETING ANY ACTION ON THE PPD COMMUNITY PROGRAM DEVELOPMENT GRANTS (CPDG) CYCLE 28 OBJECTIVES.

The Council requested that information from Department of Developmental Services and Department of Education on their grant programs be presented at the November meeting, to avoid duplication in grants topic areas. A decision on the Cycle 28 objectives will be made at the November meeting.

IT WAS MOVED AND SECONDED (D. HANEY/J. WILSTED) AND CARRIED TO TABLE THE PPD RECOMMENDATIONS ON THE GRANT REPLICATIONS PILOT UNTIL THE NOVEMBER MEETING.

The Council directed staff to further develop the Replications Pilot proposed recommendations.

O. CLOSED SESSION:

The Council convened in closed session at 1:40 p.m., in compliance with Government Code Section 11126(a)(1); and reconvened in open session at 2:00 p.m.. No action resulted from the closed session.

P. Executive Director – Area Board 4 Office of the State Council: (P. Mendoza/J. McDonald)

Chair P. Mendoza discussed the process to fill the Area Board 4 Office Executive Director position that became vacant when the Director resigned, in late August. He explained that State Law requires that "...each Area Board shall have an executive director, nominated by the area board and appointed by the executive director of the State Council and approved by the State Council." He also reported that the opening will be posted and that Area Board 4 had appointed a Screening Committee to review applications and conduct the first round of interviews. No action was taken.

Q. Strategic Planning Subcommittee Report:

Strategic Planning Subcommittee Chair, C. Ellis reported on the meeting that was held on September 15th. She announced that Member O. Raynor and J. Goeden had agreed to work with Council staff and XenologiX, Inc. to finalize the survey, for distribution to the stakeholders. The next meeting of the Subcommittee will be October 14, 2004, at 1:30 p.m. and any actions will be brought to the Council in November.

R. 2002-06 State Plan Update: (*Standing Item*):

(P. Mendoza/J. Eaton)

No update was necessary.

S. Council Members' Discussion Items and Reports:

Members are asked to submit written reports, if possible.

- 1) **Cliff Allenby/Ken Buono** Department of Developmental Services
Member K. Buono reported on the annual report about the status of individuals who moved out of or were deflected from entering Developmental Centers through the Coffelt Settlement. He also reported that the plan to close Agnews Developmental Center in 2006 had not yet been released. If it is available for release by the next Council Meeting, the department will be available to give a presentation on the plan, to the Council.
- 2) **Sylvia Barron** Area Board 13 Catchment Area Rep.
Member S. Barron distributed a handbook the Area Board had prepared to assist County Boards of Supervisors in choosing appointees to the Area Board.
- 3) **Sascha M. Bittner** Area Board 5 Catchment Area Rep.
Member S. Bittner had no additional information to report.
- 4) **Catherine M. Ellis** Area Board 10 Catchment Area Rep.
Member C. Ellis presented a written report (attached).
- 5) **Joseph Goeden** Area Board 3 Catchment Area Rep.
Member J. Goeden had no additional information to report..
- 6) **Douglas R. Haney** Protection & Advocacy, Inc. (PAI)
Member D. Haney distributed the PAI Newsletter and the PAI Comments on Selected Recommendations from the CPR Report Affecting Health and Human Services Resources.

- 7) **Robert Jacobs** USC Center for Excellence (UCE)
Member R. Jacobs had no additional information to report.
- 8) **Yvonne P. Klutttz** Area Board 11 Catchment Area Rep.
Member Y. Klutz reported that Area Board 11 was involved in assisting the Regional Center and Community Care Licensing in closing a group home involved in abuse allegations in their area and relocation of the residents.
- 9) **Sunny Maden** At-Large Parent of DC Resident
Member S. Maden discussed the concerns that parents have reported that time and again they hear the same kind of problems; and we hear them at the Council a lot. One issue is a lack of dental care and medical services. Some of the staff expertise at the developmental center needs to be utilized. Agnews Developmental Center, over the last year, has had 70 residents move to the community, which is a large number of people. Many of the families that have members still at Agnews have great anxiety about all of the people that have moved; and if they are receiving dental and medical services. With the lower population at Agnews, the services are not being utilized as much as they were with 70 more residents prior to that. Less than a year ago, three regional centers stood up at the bay area project and told us all that there were no placements available for our loved ones at Agnews. Therefore, this is a real concern and she just wanted the Council to be aware of the numbers. She asked if Member K. Buono would report on whether people coming out of Agnews DC have services in place prior to their move and whether they are getting medical and dental services because the LQA task force will not pick these people up in a year and she doesn't want them to go a year without services. Member K. Buono responded and asked Sunny to read DDS' report on their website and it is posted annually. He suggested we have the department give a presentation at a future Council meeting regarding Agnews.
- 10) **Theodore H. Martens** Area Board 9 Catchment Area Rep.
No additional information to report.
- 11) **Stacy L. McQueen** Area Board 12 Catchment Area Rep.
No additional information to report.
- 12) **Peter Mendoza** Senate Nominated Consumer
No additional information to report.
- 13) **Jack O'Connell/Dan Boomer** Department of Education
No additional information to report.
- 14) **Lupe M. Perez** Area Board 8 Catchment Area Rep.
No additional information to report.
- 15) **Bradley J. Putz** Area Board 6 Catchment Area Rep.
No additional information to report.

- 16) **Laura A. Ramos** Area Board 4 Catchment Area Rep.
Written report was submitted (attachment).
- 17) **Olivia Raynor** UCLA Center for Excellence/Tarjan Center
No additional information to report.
- 18) **Raymond Rodriguez** Area Board 2 Catchment Area Rep.
No additional information to report.
- 19) **Cindy Simon** At-Large Parent
Member C. Simon reported that she visited Lanterman DC. She met staff working on affordable housing; and working together to have the expertise at the developmental centers shared with the community.
- 20) **Mark Switzer** At-Large Consumer
No additional information to report.
- 21) **Lynda Terry/Carol Williams-Manson** Department of Aging
Member L. Terry announced that she is retiring and this would be her last Council meeting. She thanked the Council for the interesting time she had had as a member, and said good-bye to everyone.
- 22) **Julie E. Wilsted** Area Board 7 Catchment Area Rep.
Member J. Wilsted thanked the Council for the dinner and the nice plaque and said she really enjoyed all of it.

8. ADJOURNMENT:

The next Council Meeting is currently scheduled for November 15-16, 2004, in Sacramento.